

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA**

**WESTERN PLAINS  
CONSTRUCTION COMPANY,**

**Plaintiff,**

**V.**

**JIVIDEN & CO.,**

**Defendant.**

**4:04CV3336**

## ORDER

This matter is before the court on defendant's Motion to Amend Answer (#35). For good cause shown, and upon the representation that plaintiff has no objection,

**IT IS ORDERED**, pursuant to Fed. R. Civ. P. 15(a), that the Motion to Amend Answer (#35) is granted. Defendant shall file and serve the amended pleading forthwith.

**DATED November 8, 2005.**

**BY THE COURT:**

**s/ F.A. Gossett**  
**United States Magistrate Judge**